

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RAVANNA SPENCER, )  
                        )  
                        Plaintiff,      )      Case No. 1:12-cv-62-SJM-SPB  
                        )  
                        )  
                        v.                 )  
                        )  
PRISON HEALTH SERVICES, INC.,    )  
*et al.*,                 )  
                        )  
                        Defendants.     )

**MEMORANDUM ORDER**

Plaintiff's complaint in this civil rights action was received by the Clerk of Court on February 29, 2012 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on August 1, 2012 [25], recommends that the motion to dismiss the complaint filed on behalf of Prison Health Services, Inc. [25] be denied. The parties were allowed fourteen (14) days from the date of service in which to file objections. Service of the Report and Recommendation was made electronically upon Defendant Prison Health Services, Inc. and upon Plaintiff by certified mail sent to SCI-Frackville, where Plaintiff is currently incarcerated. No objections to the R&R have been filed to date by either party.

After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, *to wit*, this 23rd Day of August, 2012;

IT IS ORDERED that the motion to dismiss the complaint for failure to state a claim filed on behalf of Defendant Prison Health Services, Inc. [13] shall be, and hereby is, DENIED.

The Report and Recommendation filed by Magistrate Judge Baxter on August 1, 2012 [25] is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN  
United States District Judge

cm: All parties of record  
U.S. Magistrate Judge Susan Paradise Baxter